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widely diverse themes. We may well believe, however, that the sense of fellowship in a common aim and purpose has been promoted. It is no small matter to realize how great a number of scholars in all lands are consciously co-operating in the study of the history of religion.

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ANOTHER CASE OF DISCIPLINE IN THE PRUSSIAN CHURCH

The state church of Prussia is again in a turmoil of controversy over the action of its Supreme Consistory (*Oberkirchenrat*), in dismissing from service one of its liberal pastors, G. Traub, of Dortmund. His case had gone through two lower courts, with increasing severity of judgment, before it was finally settled by the highest ecclesiastical court in the state church, which meted out the extreme penalty of the law—dismissal from service without pension (*Dienstentlassung*).

This is the second chapter in the struggle between conservatives and liberals in the Prussian church, and grew out of the first. Just one year before the condemnation of Traub, Pastor Jatho, of Cologne, was condemned by the same court and sentenced to suspension from pastoral service with a pension.¹ Both pastors come from the Westphalian provinces, where the liberal element is strong, active, and defiant; and both are fellow-members of the liberal society, the "Friends of Evangelical Freedom," with headquarters at Cologne. Pastor Jatho chose Pastor Traub for his attorney and defender before the Supreme Consistory, and it was due very largely to his activities in this service that he gave the offense which led to his own condemnation.

There was, however, this difference in the two cases: Jatho was condemned for heretical opinions, while Traub was condemned for freedom of speech in criticizing the church authorities for their action against Jatho. They found him guilty of conduct injurious to his office as a pastor. The decision of the Consistory is summarized in the *Chronik der Christlichen Welt*, in part as follows:²

The violation of his official oath, with which the accused is charged, has to do with his conduct outside of his official acts, his public and literary activity. Indeed, the violation was not found in the fact of these activities but in their method, especially in the way in which he has criticized the state church, its authorities and institutions.

¹ See "The New Prussian Heresy Law," *American Journal of Theology*, April, 1912.

² *Chronik der Christlichen Welt*, September 26, 1912, pp. 478-82.

Instances of his misdemeanors are detailed as follows:

1. Attacks against the Consistory at Münster and its councillor Dr. Richter in the Hilchenbach case.
2. Attacks against the Westphalian Provincial Synod and against the Evangelical Supreme Consistory.
3. Attacks against the Royal Consistory in Coblenz and Berlin.
4. Attacks against the Royal Consistory at Münster and the ordinance of the state church.
5. Injury of a brother official.
6. Attacks against the law for complaints against doctrine and the Judicial Commission for cases of doctrinal discipline, occasioned by the proceedings against Pastor Jatho, as well as the method of his general polemic against the state church, its authorities and institutions.

Pastor Traub has played the rôle of a free lance in the Prussian church since the passage of the new heresy law in 1909; and has been a leader of the liberal "left wing" in its struggle for greater confessional, liturgical, and congregational freedom. He has felt that the growing estrangement of the mass of the German people from the church, and, in his numerous articles and polemic treatises, has gone to the root of the difficulty in a state- and bureau-ridden church. The decision of the court cites the following sentences from his writings as evidence that he occupies a "position of negation toward the state church in its present organized form": "The individual congregation alone has the right to decide in all conflicts and doctrines"; "The church, for the great object of its association, must be reorganized in government, support, and impulse."

Newspaper controversy had quite subsided during the year following the Jatho case, but the Traub case opened it afresh along the same lines of party division. In the newspaper comment on the case, there are indications of a sharper cleavage and of a greater decisiveness of attitude in both parties in the church. Those who stood with Jatho now stand with Traub; those of the liberals who tried to mediate in the Jatho case and counseled submission and moderation on the ground that the authorities had acted for the first time under a new law and, having made an example, would probably not act again, show not a little consternation in the new case. The judgment is far severer than in the Jatho case, and it is taken on grounds which the liberals thought would not be taken by the Supreme Consistory. Its action is altogether new, startling, and confounding.

The conservatives justify the action on the ground that Traub's reckless and immoderate criticism of the church and its authorities

tended to destroy the respect and confidence of the people in the church, and was therefore a serious violation of official duty, amounting to moral delinquency. The liberals condemn the action on the ground that the Supreme Consistory was the party injured, prosecutor, and judge all in one in the case, and hence not free from partiality.

No complaint was lodged against Traub as a man and a pastor. He was held in affectionate respect by his congregation and in high esteem in the community. Frederick Naumann (a radical) says of Traub:¹ "The Supreme Consistory has drawn an entirely false, distorted, and demagogic picture of Traub. It will not see that Traub belongs today to the best men of the evangelical church." Rittelmeyer says of him:²

Traub himself, who indeed is not an especially religious genius, is certainly one of the most intelligent, if not the most intelligent spirit in the German pastorate. If Jatho is theologically a child, Traub is the fundamentally trained theologian; if Jatho is intent only on the expression of his inwardness, Traub is an exact reasoner; if Jatho is entirely without political gifts, Traub always feels delighted to enter the lists with the lawyers; if Jatho is able only to speak freely and spontaneously, Traub is a very skilful and experienced debater, all in all an agitator of the highest rank. In spite of his mistakes, in spite of the crushing judgment of the Supreme Consistory, Traub will some time be named among the champions of this age, and that too not with discredit.

Professor Harnack has taken an active part in both the Jatho and Traub cases. His attitude for the most part has been that of a mediator and peacemaker. He justified the Supreme Consistory in its condemnation of Jatho, and appeared to go out of his way to join the conservatives in their attack upon his teaching. But his attitude is somewhat different in the Traub case. He has given to the public a separate treatise entitled, *The Dismissal from Service of Pastor G. Traub*.³ He begins by saying: "The Prussian Evangelical state church has again become deeply stirred and convulsed through the exclusion of a minister whom his congregation highly esteems and wishes to retain." He sets himself to answer two questions: (1) Is the severe punishment of Traub justified by the reasons adduced for the action, and (2) What does the decision imply as to the cause of the present difficulties in the church?

The first question he answers by saying that the punishment was not justified by what Traub had done. As to the second he declares that the seat of all the trouble is the lack of freedom in the church. This lack he illustrates in only one point—the bondage of the pastors to the official

¹ *Chronik*, October 10, 1912, p. 513.

² *Ibid.*

³ Adolph Harnack, *Die Dienstenlassung des Pfarrers Lic. G. Traub* (Leipzig: Hinrich, 1912), p. 31.

creed and liturgy. It was this that gave ground for action against Jatho, and it is this that lies back of the condemnation of Traub, for it is constantly asserted by the defenders of this action that the Consistory could have made out just as good and even a better case against Traub on the ground of his heresies.

Harnack is not disposed wholly to exonerate Traub, for he believes "that he was guilty of a serious breach of discipline and had continually overstepped the conceded right of serious and candid criticism." And if appeal be made to the example of Luther in defense of the free criticism of ecclesiastical authorities and institutions, as was done in this case, Harnack is ready to admit that—

if the pope could and would not become Lutheran, he only exercised his right and fulfilled his duty, when he excommunicated Luther. . . . But Luther, on the other hand, exercised his highest right and fulfilled his highest duty, when he solemnly burned the papal bull. He and the pope were now separated, and all was in order; but in a new order! But of that we must not speak, for we do not stand at such a point in history.

He puts the case against the Supreme Consistory very sharply, as it appears to the outside observer.

A pastor is cited before the Judicial Commission [Jatho before the *Spruch-kollegium*]; he chooses, according to the law, a defender. The pastor is condemned, and then the defender himself is cited before the court of discipline and is likewise condemned! Professor Baumgarten [Traub's defender] may count himself lucky that he is not a pastor but a professor and that he does not belong to the state church of Prussia, for now his turn has come!

Harnack is especially incensed at the attempt made by the court to fix upon Traub a moral obliquity of conduct. He says:

This attempt to distil out of the public utterances and speeches of Traub deceptions and falsehoods affects me most painfully. We all know Traub. The entire Evangelical state church knows him. Years ago he made us acquainted with his character, certainly an agitator, certainly an irritating opponent of the present development of the state church, but not its enemy; certainly a man of the most one-sided subjectivity, and little used to that prudent scrutiny which holds the ends of things constantly in hand, but just for that reason subjectively truthful—a nobleman with a well-considered and splendid ecclesiastical ideal. Concerning his practical wisdom one may doubt, but his purity and loftiness no one can call in question.

But Harnack believes the cause of all the present trouble in the church is at bottom the compulsion of faith with which pastors are burdened in the official creed and liturgy. This he believes is out of

keeping with all sound modern progress, which "calls for the inexorable, joyous, and confident sense of reality and truth in all questions of knowledge." This was the fundamental principle of the Reformation. "Dare the church of the Reformation burden the conscience with a formulary, especially one that is unbiblical? Dare we make a liturgy, whether one can confess it or not, the article of a standing or falling church? Dare we treat any ancient confession of faith, with its numberless errors and untenable hypotheses, as the Catholic church treats its "tradition"? Are we not, the moment we do it, already Catholic? Are we not doing it now? This is the ecclesiastical crisis of the present."

The remedy for the unfree condition of the pastors does not lie with the Supreme Consistory, much less with the agitators and critics of the system, but with the General Synod, which is the source of all ecclesiastical law and must be the author of any changes in the ecclesiastical order. "Hence to the General Synod goes my petition and the petition of thousands, to remove the heavy pressure and to free the conscience." Traub's remedy lies in the "sovereignty of the local congregation." Here lies the difference between the two men, and between the two parties which they represent in the Prussian church. Harnack is a liberal, not to say a radical, in his theology, and belongs with Traub and Jatho in the spirit of their theological freedom; but he is a conservative in action and administration and goes with the party which formed the recent heresy law and is now standing back of the condemnation of liberal pastors.

Harnack thus stands with both parties and he so acknowledges. Speaking of "the Left," the liberal party, he says: "We sympathize strongly and warmly with them and for them, and we sympathize most deeply with Traub, and feel ourselves smitten with him." But "for the exceedingly difficult position of the highest ecclesiastical authorities I have a strong and warm sympathy, and feel it was a duty to support them to the extent of my powers in the administration of the ecclesiastical ordinances."

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